REMARKS

Claims 9-10, 15, 18-20 and 32-37 are pending and under examination. Reconsideration is requested.

The Examiner has maintained his rejection of claims 9, 10, 15, and 18-20 under 35 USC § 102 as being anticipated by Howell. This rejection is traversed for the following reasons.

As noted in earlier responses (e.g. the Amendment filed June 25, 2008), Howell et al. discloses a method and composition for treating multidrug resistance in a mammal. While Howell discusses the treatment of leukemia, it teaches the use of the recited compounds only in combination with an additional chemotherapeutic agent. See, for example, claim 1 ("and an antineoplastic agent other than the compound"), claim 8 ("an antineoplastic compound to which the cells are susceptible to developing multidrug resistance"), claim 17 ("in combination with an antineoplastic or cytotoxic agent to which the cells are susceptible to developing multidrug resistance or to which the cells have developed multidrug resistance"), and col. 3, line 67-col. 4, line 2 ("an antineoplastic or cytotoxic agent is administered in combination (before, together and/or after) with NDGA (masoprocol) or an analog of NDGA") The sections cited by the examiner do not describe use of an NDGA derivative as a sole treatment for leukemia. The data present in Howell are combination therapy. Thus, the recitation "consisting essentially of" in the presently pending claims clearly distinguishes the claimed subject matter from Howell.

The Examiner argues that Howell provides for the treatment of neoplastic conditions that are not multidrug resistant at the time of treatment, but have the potential to become multi-drug resistant. The relevance of this statement is not understood. Regardless of the status of the neoplastic condition with respect to multidrug resistance, Howell teaches the administration of NDGA and NDGA derivatives in combination with a antineoplastic agent that is not NDGA or an NDGA derivative, and therefore excludes the presently claimed method. Furthermore, although the Examiner states that insofar as Applicant's method is concerned, "other" antineoplastic drugs may have been given in the past, in order to achieve a benefit from the reversal of multidrug resistance taught by Howell, an antineoplastic drug to which resistance has developed or may develop must be present at the resistant tumor cells during the time that the NDGA or derivative thereof is present/active to reverse the resistance. It is the combination of the drugs that allows the antineoplastic drug to exert its effects. For this reason, it is submitted that Howell et al. does not

anticipate the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 9-10, 15, 18-20 and 32-33 continue to be rejected under 35 U.S.C. §103(a) as being unpatentable over Howell et al. This rejection is traversed for the following reasons.

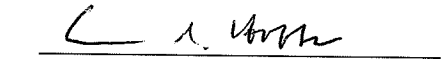
Applicants respectfully submit that for the reasons detailed above, the base claims are neither anticipated nor obvious from Howell et al, which requires the administration at least one additional chemotherapeutic agent. Reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner has maintained the provisional obviousness – type double patenting rejection of Claims 9-10, 15, 18-20 and 32-33 over claims 21, 24-26, 30-32, 35, 39-50, 54-62 and 64-72 of U.S. Patent Application No. 11/284,111. Applicants will consider filing a Terminal Disclaimer if the rejection is maintained when otherwise allowable subject matter has been indicated.

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

Date: April 2, 2009



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